

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

TORMU E. PRALL,

Plaintiff,

V.

JOSEPH L. BOCCHINI, JR.,
et al.,

Defendants.

Civil No.: 10-1228 (JBS)

**MEMORANDUM OPINION
AND ORDER**

THIS MATTER having come before the Court by way of motion by Plaintiff, Tormu E. Prall, for "28 U.S.C. § 636 Relief," (Docket entry no. 146), and the Court having considered the papers submitted herein, and for the reasons expressed herein and for good cause shown, and it appearing that:

1. On or about October 3, 2012, Plaintiff filed a motion requesting "referral of both pre-trial and case-dispositive matters" to the Honorable Karen M. Williams, U.S.M.J., pursuant to 28 U.S.C. § 636, for the purpose of expediting this case. (Docket entry no. 146).

2. Under 28 U.S.C. § 636(c)(1), "[u]pon consent of the parties, a full-time United States magistrate judge ... may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts [she] serves."

3. Consequently, unless all of the parties agree and mutually file a consent form (AO 85 (rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge) in accordance with 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73, the case remains with the District Judge for dispositive matters and for trial.

4. Plaintiff has not submitted the requisite consent form signed by all parties to this action for referral of this case to the Magistrate Judge, pursuant to § 636(c) and Fed.R.Civ.P. 73. Accordingly, his motion for such referral will be denied without prejudice.

THEREFORE, the Court having considered this matter pursuant to Fed.R.Civ.P. 78, and for good cause shown,

It is on this 2nd day of April, 2013,

ORDERED that Plaintiff's motion for referral of this matter to the Magistrate Judge pursuant to 28 U.S.C. § 636(c), (Docket entry no. 146), is hereby DENIED WITHOUT PREJUDICE at this time; and it is further

ORDERED that the Clerk shall serve this Order on the Plaintiff by regular mail, and on counsel for the remaining defendants electronically.

s/ Jerome B. Simandle
JEROME B. SIMANDLE, Chief Judge
United States District Court